



Big Red Tomato Packers, LLC

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Docket Clerk
Marketing Order Administration Branch
Fruit & Vegetable Programs, AMS, USDA
1400 Independence Avenue SW
Stop 0237
Washington, D.C. 20250-0237

**Re: 7CFR Part 966
Docket FV06-966-1 PR**

To Whom It May Concern:

Big Red Tomato Packers has always maintained a position not in favor of modifying or changing our current Florida Tomato Committee marketing order in order to allow the shipment of Santa Sweet's "Ugly Ripes" that fail to grade U.S. #2 or better out of the growing area.

The following facts are:

1. Mr. Procacci knew prior to receiving an experimental exemption to pack and ship Ugly Ripes that at the end of the day he would need to grade #2 or better to ultimately be in compliance for out of state shipment. I feel the only reason to allow him an exemption was to gather the data to make a business decision on market acceptance and what percentage of his tomatoes could be marketed out of state.
2. The accompanying Florida Tomato Committee summary sheets, which detail the results of the 01-02 and 02-03 certificate of exemptions granted Mr. Procacci, clearly show that in the 01-02 season, not only did misshape fail to make grade, but a fair number of samples were culls (bruises, scars, cuts, growth cracks, etc.). These tomatoes should not be packed, period. In the 02-03 season 72.6 percent of the lots inspected made a #2 or better. What does Mr. Procacci want? No one in our industry packs every tomato we grow.

3. No one is stopping Santa Sweets from selling all or any part of their production that fails to grade #2 inside the State of Florida. If the demand is so great, and appearance is of no concern, why then not develop an instate program for as much of the lesser grades as possible, shipping all of the #1's and #2's out of state.
4. I also think it is important to note that most of the votes cast in favor of the Ugly Ripe have been by either employees, partners, or customers whom in someway or another relies on the largess of Mr. Procacci.

Big Red Tomato Packers has always supported creative, innovative thinking for the entire tomato industry. We do not feel that a permanent change to our Florida Tomato marketing order is in the best interest of the entire industry. It presents too many opportunities for domestic and import growers to cheat and sell tomatoes of inferior quality. We have no problem with anyone bringing a better tomato to the marketplace, but only ask that they follow the same rules and regulations that everyone has to, not change the rules when the test results do not fit their business model.

The federal marketing order for tomatoes is the only tool left to the smaller commercial tomato producer that helps us to be able to compete with the mega-growers. When it can be manipulated by any grower to suit their business then it ceases to represent all producers equally.

If I can be of any further help, please do not hesitate to call me at 772-466-0700 or 772-464-2061.

Regards,



David Neill

Enclosures

JDN/caa

There were 543 Certificate of Privilege shipments of "Ugly Ripes" for the 2001-02 season consisting of 182,388 15-lb single layer containers. (2,735,820 pounds of tomatoes)

Ugly Ripe Score Sheet Tally

66 total score sheets. 43 failed. 23 passed

553 samples on failed sheets

- 550 samples scored for misshapen
- 130 samples scored for catfaces
- 100 samples scored for growth cracks
- 90 samples scored for shoulder bruise
- 44 samples scored for bruise
- 43 samples scored for scars
- 39 samples scored for cuts
- 16 samples scored for insect injury

348 samples on passed (U.S. No. 2 or better) sheets

- 197 samples scored for misshapen
- 92 samples scored for scars
- 77 samples scored for catfaces
- 69 samples scored for shoulder bruise
- 18 samples scored for growth cracks
- 17 samples scored for bruise
- 3 samples scored for cuts

REVIEW OF MEXICAN HEIRLOOM TOMATO EXEMPTION REQUEST

On January 14, 1999, the Florida Tomato Committee met in Immokalee, Florida. On the agenda was a proposal from a group of Mexican growers requesting an exemption of an Heirloom garden variety only. They were proposing a pilot program to be reviewed in 2 years. Mexican representatives made the following arguments in favor of granting an exemption:

- a. This was a small, niche, high value market.
- b. The retail tomato market is changing. Customers are demanding a wider variety and selection, i.e. tomatoes on the vine, greenhouse, grape tomatoes, cluster tomatoes, Etc.
- c. The exempt would determine whether the Mexican farmers would continue growing this specialty type crop or send their children to the U.S. to work.
- d. The exemption was for an Heirloom garden-variety tomato only.
- e. The exemption if granted would be reviewed in 2 years.

The Committee manager, Wayne Hawkins, responded to the above arguments by stating he had a list with him that had some 186 heirloom/garden varieties on it. That even a good plant breeder has difficulty identifying a variety on picked tomatoes, and that the inspection service certainly couldn't identify varieties of tomatoes at the border.

After a thorough discussion the seated committee members voted unanimously to deny the request for exemption because of the inherent problems in trying to regulate it. The voting members were: Kern Carpenter, Tony DiMare, David Neill, David Murrah, Christian LeLeu, Bill O'Quinn, Jay Taylor, Peter Harlee, Jr., and Glenn Dickman

UGLY RIPE SHIPMENT DATA for 2002-03 SEASON

649 shipments made outside of the regulated area consisting of 266,721 20-LB containers, which equals 5,334,420 pounds or 213,376.8 25-LB equivalents.

If true net weight of the containers is fifteen pounds then 266,721 15-LB containers, equals 4,000,815 pounds or 160,032.6 25-LB equivalents.

484 shipments made inside of the regulated area consisting of 142,729 20-LB containers, which equals 2,854,580 pounds or 114,183.8 25-LB equivalents. If true net weight of the inside regulated containers is fifteen pounds then 142,729 15-LB containers, equals 2,140,935 pounds or 85,637.4 25-LB equivalents.

FOR THE RECORD

Scoresheets from inspection indicate an average of 72.6 percent grading a U.S. number 2 or better. Scoresheet averages ranged from a High of 87.2% making a U.S. NO. 2 or better to a Low of 52.8% making a U.S. NO. 2 or better.

HEIRLOOM TOMATOES DEFINED

There is no set definition for Heirloom. Common usage refers to grown in gardens for over 50 years, non-hybrid, open-pollinated varieties.